

REMARKS/ARGUMENTS

Claims 1-10 are pending in the application. Claims 1, 6 and 8 have been amended.

Each of claims 1, 6 and 8 have been amended to add the limitation of “wherein the head attachment longitudinal axis and the blade end longitudinal axis form a plane, the concave face configured substantially perpendicular to said plane.” Such a limitation clearly distinguishes Applicant’s invention over the ‘818 reference and other references.

The purpose of Applicant’s invention is to allow a person from the ground level to clear leaves and other debris from a gutter. The ‘818 reference teaches away from Applicant’s claimed invention. In fact, figures 1A and 1B of the ‘818 reference show a person climbing onto a roof, and onto a ladder to clean the gutter. This is precisely the problem that Applicant’s invention was meant to solve. Many accidents occur when cleaning gutters from the top of a roof or from the top of a ladder. With Applicant’s invention, one merely walks along the side of a house dragging Applicant’s gutter sweep through the gutter. Leaves and other debris are then removed from the gutter without the need of cleaning the gutter from a ladder or from the top of a roof.

Applicant’s tool has a face that is rotated in the direction that the person is walking. The ‘818 reference cannot be used while walking on the ground along side the house. This is very apparent and shown in the figures of the ‘818 reference. For example, as shown in figure 2, the scoop 10 may be rotated axially along a pin, where the hand and the neck of the scoop meet. In the configuration shown with a dotted outline on the right hand side of figure 2, the scoop face is facing **towards** the handle. There is no way to turn the scoop so that it is perpendicular to a plane formed by the longitudinal axis of the hand and the scoop. In other words, if the scoop of the ‘818 reference is used in that configuration and place over a gutter, it would not allow one to scoop out debris.

With applicant’s tool the face is turned such that one merely places the head of the scoop over the gutter and walk along the gutter to scoop the debris. The head of the scoop of the ‘818 reference cannot be turned to allow the scoop 10 to face the direction of the gutter while walking along the ground. Thus, the ‘818 reference does not anticipate Applicant’s claimed invention as amended.

Moreover, since the '818 reference does not meet all of the claim limitations of Applicant's claimed invention, the obviousness rejections can not stand.

Applicant respectfully traverses the rejections and requests reconsideration. As currently amended, among other differences, none of the cited art either alone, or in combination anticipates or renders obvious the claimed invention.

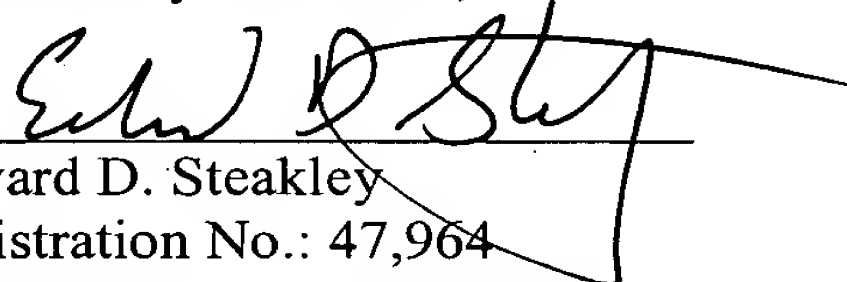
In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

Should the Examiner have any questions or comments, or believe that certain clarifications might more readily progress the present application to issuance, a telephone call to the undersigned Applicant's representative at 713-651-5423 is earnestly solicited.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2375, under Order No. HO-P02301US0 from which the undersigned is authorized to draw.

Dated: Oct. 19, 2004

Respectfully submitted,

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